



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,699	08/24/1999	JEFFRY JOVAN PHIYAW	PHLY-24-747	1610
25883	7590	05/04/2005	EXAMINER	
HOWISON & ARNOTT, L.L.P			ZIA, SYED	
P.O. BOX 741715				
DALLAS, TX 75374-1715			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/379,699

Applicant(s)

PHIYAW ET AL.

Examiner

Syed Zia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16-22 and 27 is/are rejected.
- 7) ☒ Claim(s) 9-15 and 23-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendments filed on January 31, 2005. Original application contained Claims 1-9. Applicant previously amended Claim 1. Applicant currently amended Claims 1, 9 and added new claims 10-27. Applicant's submission filed January 31, 2005 has been entered and made of record. Therefore, Claims 1-27 are pending for further consideration.

### ***Specification***

1. The examiner suggests the Applicant's to remove the TITLE of the invention from the Abstract on page 52 accordingly.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27, recites the limitation "the receiving node" in line number 10.

Claim 1, and 19, recites the limitation "the product information" in line number 5.

There is insufficient antecedent basis for these limitations in the claims.

***Claim Objections***

3. Claim 27 is objected to because of the following informalities: Typing error at line 19, “the network of the one o the remote nodes”. Examiner assumed “the network of the one of the remote nodes”. Appropriate correction is required.

***Response to Arguments***

4. Applicant's arguments filed January 31, 2005 regarding withdrawing Claim Rejections under 35 USC § 112 after filing current amendment has been found persuasive. Therefore, previous Claim Rejections under 35 USC § 112 has been withdrawn.

2: No argument was filed regarding art rejection.

***Allowable Subject Matter***

5. Claims 9-15, 23, 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8, 16-22, and 27 are rejected under 35 U.S.C 102(e) as being anticipated by Hudetz et al., US Patent No. (5,978,773).

7. Regarding Claim 1 Hudetz teaches a system for using identification codes [product codes] found on ordinary articles of commerce to access remote computers on a network and a method for utilizing a product code (Fig.1 Item 46) having product information contained therein for interfacing (Fig.1 Item 50) a user node (Fig.1 Item 28) to a remote node (Fig.1 Item 24) over a network (Fig.1 Item 20), the user node having application software installed thereat for examining product code input thereto, comprising the steps of

- extracting (i.e. scanning, reading) (Fig.1 Item 44) the product information from the product code at the user node(Fig.1 Item 28) for input thereto , which product code is disposed on or in close association with an associated product (Fig. 1 and 3, col. 6 line 20 to line 32, and col.5line 34 to line 35);

- in response to the step of extracting, the application software:

- assembling a message packet containing the product information (Fig.1 Item 48, and 46), and

Art Unit: 2131

transmitting the message packet (i.e. using PPP or HTTP protocol) to an intermediate node (i.e. service provider) (Fig.1 Item 22) on the network (Fig.1 Item 20),

- receiving from the intermediate node (i.e. service provider) (Fig.1 Item 22) on the network instructional code that instructs the user node (Fig.1 Item 28) to connect to one of the remote nodes (Fig.1 Item 24) on the network (Fig.1 Item 20) that has defined association with the extracted product information defined at the intermediate node (Fig.5 Item 86, 88, and col.9 line 33 to line 43), and

- connecting the user node to the one of the remote nodes in accordance with the received instructional code such that connection to the remote node is controlled by the intermediate node through the instructional code (i.e. automatic jumping [connection] (col.9 line 54 to line 65), wherein connections to remote nodes having defined relationship to the product information are controlled only by the intermediate node and not by any actions at the user node other than the operations of extracting (i.e. a field in database 60 for enabling the automatic diverting of the traffic to desired location) (col.9 line 33 to line 43), and wherein actions at the user node do not prevent connection or effect connection to the remote node (col.9 line 54 to line 65).

8. Regarding Claim 19 Hudetz teaches a system for using identification codes [product codes] found on ordinary articles of commerce to access remote computers on a network and a method for utilizing a product code (Fig.1 Item 46) having product information contained therein for interfacing (Fig.1 Item 50) a computing device at a user node (Fig.1 Item 28) on a network to at least one of a plurality of remote node (Fig.1 Item 24) on the network (Fig.1 Item 20), the

Art Unit: 2131

computing device at the user node having application software installed thereat for examining product code input thereto, comprising the steps of

- extracting (i.e. scanning, reading) (Fig.1 Item 44) the product information from the product code at the user node (Fig.1 Item 28) for input to the computing device at the user node (Fig. 1 and 3, col. 6 line 20 to line 32, and col.5line 34 to line 35);

- in response to the step of extracting, the application software:

- assembling a message packet containing the product information (Fig.1 Item 48, and 46), and transmitting the data transmission (i.e. using PPP or HTTP protocol) to an intermediate node on the network (i.e. service provider) (Fig.1 Item 22) on the network (Fig.1 Item 20),

- receiving from the intermediate node (i.e. service provider) (Fig.1 Item 22) on the network instructional code that instructs the computing device at the user node (Fig.1 Item 28) to connect to one of the remote nodes (Fig.1 Item 24) on the network (Fig.1 Item 20) that has defined association with the extracted product information, which defined association is defined at the intermediate node (Fig.5 Item 86, 88, and col.9 line 33 to line 43), and

- connecting the computing device at user the node to the one of the remote nodes in accordance with the received instructional code such that connection to the remote node is controlled by the intermediate node through the instructional code (i.e. automatic jumping [connection] (col.9 line 54 to line 65), wherein connections to remote nodes on the network in response to the step of extracting are controlled by the intermediate node and not by any actions at the user node other than the operations of extracting (i.e. a field in database 60 for enabling the automatic diverting of the traffic to desired location) (col.9 line 33 to line 43), and wherein

Art Unit: 2131

actions at the user node do not prevent connection or effect connection to the remote node (col.9 line 54 to line 65).

9. Regarding Claim 27 Hudetz teaches a system for using identification codes [product codes] found on ordinary articles of commerce to access remote computers on a network and a method for utilizing a product code (Fig.1 Item 46) having product information contained therein for interfacing (Fig.1 Item 50) a computing device at a user node (Fig.1 Item 28) on a network to at least one of a plurality of remote node (Fig.1 Item 24) on the network (Fig.1 Item 20), the computing device at the user node having application software installed thereat for examining product code input thereto, comprising the steps of

- extracting (i.e. scanning, reading) (Fig.1 Item 44) the product information from the product code at the user node (Fig.1 Item 28) for input to the computing device at the user node (Fig. 1 and 3, col. 6 line 20 to line 32, and col.5line 34 to line 35);

- in response to the step of extracting, the application software:

- assembling a message packet containing the product information (Fig.1 Item 48, and 46), and transmitting the data transmission (i.e. using PPP or HTTP protocol) to an intermediate node on the network (i.e. service provider) (Fig.1 Item 22) on the network (Fig.1 Item 20),

- at the receiving node receiving from the intermediate node (i.e. service provider) (Fig.1 Item 22) providing an associative database disposed at the intermediate node and having stored therein associations with a plurality of product information and associated routing information to at least one of the remote nodes (Fig.1 Item 24) on the network on the network (Fig.1 Item 20)



Art Unit: 2131

(i.e. a field in database 60 for enabling the automatic diverting of the traffic to desired location)

(col. 9 line 33 to line 43, and Fig.5 Item 86, 88, and col.9 line 33 to line 43), and

- comparing (i.e. matching) the received product information (Fig.1 Item 48, and 46) and associated routing information in the associated database (Fig.1 Item 60), and determining if there is a match (col.8 line 47 to col.9 line 21), and

- if there is a match, returning instructional code from the intermediate node (i.e. service provider) (Fig.1 Item 22) to the user, which instructional code has embedded therein the routing information to the location on the network of the one of the remote nodes (Fig.1 Item 24), which instructional code instructs the computing device at the user node (Fig.1 Item 28) to connect to one of the remote nodes, and receiving from the intermediate nodes on the network (Fig.1 Item 20) the instructional code (col.8 line 4 to col.8 line 10, and col. 10 line 45 to col.11 line 39); and

- connecting the computing device at user the node to the one of the remote nodes in accordance with the received instructional code such that connection to one of the remote node is controlled by the intermediate node through the instructional code (i.e. automatic jumping [connection] (col.9 line 54 to line 65), wherein connections to remote nodes is controlled by the intermediate node and not by any actions at the user node other than the operations of extracting (i.e. a field in database 60 for enabling the automatic diverting of the traffic to desired location) (col.9 line 33 to line 43), and wherein actions at the user node do not prevent connection or effect connection to the remote node (col.9 line 54 to line 65).

10. Claims 2, 20, and 8 are rejected as applied above in rejecting claim 1. Furthermore Hudetz teaches method of extracting product information (Fig. 1, 3, 5, and 8) wherein

Art Unit: 2131

- the product code is machine-readable code (col.6 line 29 to line 33),
- interfacing with the network utilizing network routing information embedded with instructional code (Fig.4-5, col.7 line 2 to col.8 line 10);

11. Claims 16, and 17 are rejected as applied above in rejecting claim 1. Furthermore Hudetz teaches method of extracting product information (Fig. 1, 3, 5, and 8)wherein

- product code is visible, and the product code has the information embedded within a visible indicia (col. 10 line 3 to line 11, and col.11 line 28 to line 34).

12. Claims 3-4, 18, and 21-22 are rejected as applied above in rejecting claims 2, and 20.

Further more Hudetz teaches and describes network routing utilizing product code, wherein:

- the step of extracting comprises scanning the machine-readable code to extract the product code information (col. 8 line 34 to line 46);
- and machine-readable code comprises a bar code (col. 10 line 3 to line 11, and col.11 line 28 to line 34);
- the step of extracting comprises scanning the product code with an optical scanner that is operable to extract the product code information from the product code (col. 8 line 34 to line 46);

13. Claims 5-7 are rejected as applied above in rejecting claims 4. Further more Hudetz teaches other formats and system for assigning product identification numbers such as UPC, ISBN and EAN (col. 6 line 34 to line 45).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

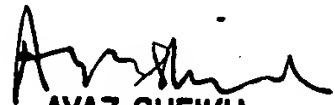
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ

April 27, 2005

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100